

Katten

Katten Muchin Rosenman LLP

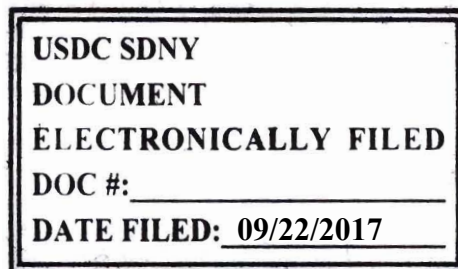
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September 20, 2017

By ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007



Re: *Robert Zimmerman v. UBS AG, et al.*, 17-CV-4503 (JMF)

Dear Judge Furman:

This firm is counsel to certain UBS entities (“UBS Entities”) named as defendants in the above-captioned case. We write to request that the Court hold in abeyance the deadline for all parties identified in ECF Docket No. 12 to answer, move or otherwise respond to the complaint until 20 days after proper service of process is accomplished, and to direct the Clerk to amend and/or strike ECF Docket No. 12 – which purports to set certain filing deadlines based on an improper affidavit of service – for reasons discussed below.

Katten Muchin Rosenman LLP (“Katten”) is not a party to this action and has not been authorized to accept service on behalf of the UBS Entities, nor have the UBS Entities agreed to waive service of process. On September 1, 2017, this firm’s New York office was provided with a copy of the summons and complaint in this action. By letter dated September 8, 2017 (copy attached as Exhibit 1), the undersigned reminded plaintiff Robert Zimmerman (“Plaintiff”) of the obligation under the Federal Rules of Civil Procedure to serve parties named in the complaint, and advised Plaintiff that delivery of the summons and complaint to this firm’s New York office did not constitute effective service. Moreover, the affidavit of service filed at Docket No. 12 incorrectly names “Katten Law” as a defendant in this action.¹

The UBS Entities therefore respectfully request that the Court hold in abeyance the deadline for all parties identified in ECF Docket No. 12 to answer, move or otherwise respond to the

¹ The UBS Entities note that the U.S. District Court for the Eastern District of North Carolina previously dismissed Plaintiff’s prior attempt to litigate claims essentially identical to those asserted in this action. Background related to the E.D.N.C. Action is contained at Docket No. 3.

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complaint until 20 days after proper service of process is accomplished, and to direct the Clerk to amend and/or strike ECF Docket No. 12 for the reasons set forth herein.

Respectfully submitted,

/s/ David L. Goldberg
David L. Goldberg

cc: Robert Zimmerman (by Federal Express)
All Counsel of Record

Application GRANTED. The parties shall disregard the answer deadlines set forth in Docket Entry No. 12. The Clerk of Court is directed to terminate Docket No. 14 and to mail a copy of this endorsed letter to Plaintiff.

SO ORDERED.

A handwritten signature in black ink, appearing to be "J. M. ...", is written over the text "SO ORDERED.".

September 20, 2017